



Docket No.: A8319.0002/P002
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hajime Akimoto, et al.

Examiner: Leonid Shapiro

Application No.: 09/938,643

Art Unit: 2673

Filed: August 27, 2001

For: IMAGE DISPLAY APPARATUS AND
DRIVING METHOD THEREOF

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is in response to the election of species requirement set forth in the Office Action dated January 11, 2005. Applicants hereby elect Species 1, which is illustrated in FIGS. 1-5, for continued examination with traverse. At least claims 1-4, 6-13, and 16-19 read upon FIGS. 1-5.

Applicants respectfully submit that claim 1 is generic to at least claims 2-15. Claims 2-15 depend from claim 1. Accordingly, upon the allowance of generic claim 1, Applicants would be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all of the limitations of an allowed generic claims as provided by 37 C.F.R. § 1.141. In this case, at least claims 2-15.

Moreover, given the circumstances of this case, it would not be a serious burden for the Examiner to examine all of the claims at this time. Applicants respectfully submit that the Examiner previously conducted a search and examined all of the claims. i.e., claims 1-20 in the Office Action dated May 5, 2004. In response, Applicants filed an Amendment on August 5, 2004 in which only two claims were amended, i.e., claims 1 and 19. Accordingly, it would not be a serious burden to continue examination of all the pending claims since a search and examination of claims 1-20 were previously done.

M.P.E.P. § 803 provides that “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.” In this case, there are only four additional claims (5, 14-15, and 20) that would need to be included in the Examiner’s search and examination. This can be done without serious burden.

An action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested.

Dated: February 11, 2005

Respectfully submitted,

By 

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